

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MICHAEL BENIK,

4 Plaintiff,

5 v.

6 LVGV, LLC D/B/A THE M RESORT SPA
7 CASINO, A FOREIGN LIMITED
8 LIABILITY CORPORATION; DOE
9 INDIVIDUALS 1-10, DOE EMPLOYEES
10 11-20; AND ROE CORPORATIONS 21-30 ,

11 Defendants.

Case No. 2:21-cv-00623-APG-EJY

**ORDER DENYING MOTION TO
REMAND**

[ECF Nos. 7, 10]

9 Plaintiff Michael Benik filed two motions to remand this case to state court. ECF Nos. 7
10 10. Defendant LVGV, LLC's petition to remove the case adequately alleged that diversity of
11 citizenship existed. ECF No. 1 at 1. And at the time of removal, Benik had alleged he had
12 incurred over \$71,000.00 in past medical expenses. ECF No. 1-5 at 2. The "amount in
13 controversy is assessed as of the time of removal," and subsequent changes to that amount do not
14 defeat diversity jurisdiction. *Chavez v. JPMorgan Chase & Co.*, 888 F.3d 413, 417 (9th Cir.
15 2018). Thus, this case was properly removed to this court.

16 I THEREFORE ORDER that plaintiff Michael Benik's two motions to remand (ECF
17 Nos. 7, 10) are denied.

18 DATED this 28th day of July, 2021.

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21 UNITED STATES DISTRICT JUDGE
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